

**THE STATE ELECTRICITY OMBUDSMAN**

Charangattu Bhavan, Building No.38/2829,  
Mamangalam-Anchumana Road,  
Edappally, Kochi-682 024  
[www.keralaeo.org](http://www.keralaeo.org) Ph: 0484 2346488, Mob: 91 9539913269  
Email: ombudsman.electricity@gmail.com

---

**APPEAL PETITION No. P/042/2021****(Present: A.S. Dasappan)****Dated: 11<sup>th</sup> November, 2021**

Appellant : Sri. C. Nadeer,  
"GRACE", Cotton Mill Road,  
Areekad, Nallalam. P.O.,  
Kozhikode Dist. 673027

Respondent : Assistant Executive Engineer,  
Electrical Sub Division, KSEB Ltd.,  
Kallai, Kozhikode

**ORDER****Background of the case:**

The appeal petition pertains to the erection of an electric pole in the property of the appellant without his knowledge or consent by the respondent. The property where the dispute exists is near to the Payyanakkal School at Panniankara in Kozhikkode District and the location comes under the Electrical Section, Kallai. The appellant filed complaint at various levels of Officers of KSEB Ltd. for the removing of the electric pole. But no action was taken by the Licensee. As such the appellant filed a petition in Consumer Grievance Redressal Forum, Northern Region vide OP No.134/2020-'21 and the Forum in its order dated 26-03-2021, rejected the petition observing that the post and stay wire seems to be causing least inconvenience to the property owner and hence, the arguments raised by the petitioner lacks merit to consider. Aggrieved by the decision of the Forum, the appellant filed the appeal petition before this Authority.

**Arguments of the appellant:**

The unauthorized erection of electric pole in the property of the appellant was brought to the notice of the Assistant Engineer of Electrical Section, Kallai and the Assistant Engineer agreed that the post would be shifted before drawing cable

through post. But the cable was drawn through the same post and the post was not shifted. The appellant made complaint to the Assistant Executive Engineer and Executive Engineer, but no action was taken by them. Even on repeated requests before the Officers of KSEB Ltd., no action was initiated by them and finally filed petition before Consumer Grievance Redressal Forum, Northern Region.

The CGRF ought to have taken note of the fact that the post is unauthorizedly installed in the property of the appellant, which is absolutely mischievous and illegal, causing inconvenience to the appellant. The Forum did not look into the factor that there are more convenient places where the posts ought to be planted and the attempt on the part of the respondent is criminal trespass that to without the consent which is also purposeful. The appellant requests to set aside the impugned order of the CGRF, Northern Region.

**Arguments of the respondent:**

The representation made is regarding the erection of 9 M post in the appellant's property. The erection of 9 M posts along the line route was carried out as a part of construction of HT line using Aerial Bunched Conductors (ABC 3x150 sq.mm) in IPDS scheme. The technical aspects considered for drawing the HT Aerial Bunched conductors is keeping a span of 25 M (max).

For drawing the ABC line, 9 M posts had to be erected from PE 1 to PE 14 in the sketch. Pertaining to this particular case, the posts from PE 12 to 14 were erected along the line route avoiding the drainage and road side and in the vacant land close to the drainage wall in order to cause least inconvenience to the public and to avoid demolition of drainage constructed by Corporation Authorities.

In the present case also the 9 M post in question is erected, keeping the alignment of the line and avoiding the drainage and road side.

As is evident from the drawing submitted along with this statement, there exists a 7 M post in the drainage. The 9 M post required for clamping the HT ABC-line had to be erected keeping the same line alignment thus, avoiding the drainage and the road side and the only provision left was to erect the post in the vacant land. There was no boundary demarcation of the vacant land and the 9 M post

was erected just beside the already existing 7 M post, keeping the straight alignment of the line just beside the drainage boundary wall (without causing damage to the drainage wall)

It was after the erection of posts, the appellant had approached Kallai Section Office requesting removal of the post and to erect the post in the drainage itself as there already existed a 7 M pole in the drainage. However, while considering the possibility of shifting of the post as per request of the appellant the only option left was to replace the existing 7 M with 9 M post in the drainage after removing the existing 7 M post. This would require demolition of the drainage wall for which there existed resistance from the public due to which the possibility of placing the post in the drainage was not considered then.

The post has been planted considering all the technical and economical aspects like alignment of the line and to limit within the span length. It is not possible to deviate the alignment of the line to the road side. If done it would tension the post which would result in planting a stay that too in the appellant's property itself. If done otherwise would result in slanting or breaking of the post due to the weight of the ABC conductor. Also, the possibility of shifting the post to further side along the alignment would result in elongated span length beyond 25m which would further tension the post as said earlier.

The work was tendered on 20.07.2019 and completed within the stipulated time and payment effected. If at all the HT post has to be shifted, the work will have to be executed on deposit basis only.

CGRF has issued the order after hearing the above grounds and also enquiring the possibility of making any modification to the post in drainage in order to clamp the HT ABC. Considering the fact that the post caused least inconvenience to the property owner, the petition was dismissed.

The Ombudsman may be pleased to consider the techno economical grounds on which the post and line had been placed causing least inconvenience to public and to the appellant himself and hence, to dismiss the petition.

**Analysis and findings:**

An online hearing of the case was conducted at 11 AM on 18-10-2021 with prior intimation to both the appellant and the respondent. Adv. Sri. K.M. Mustafa attended the hearing for the appellant and Smt. Srivijaya, Assistant Executive Engineer, Electrical Subdivision, Kallai of KSEB Ltd., attended from the respondent's side. On examining the appeal petition, the arguments filed by the appellant, the statement of facts of the respondent, perusing the documents attached and considering all the facts and circumstances of the case, this Authority comes to the following findings and conclusions leading to the decision thereof.

The issue referred in this appeal is with respect to the erection of an electric pole in front of the property of the appellant and provided stay for the pole in the property of the appellant. The appellant wants to remove the pole and stay from the property. The appellant argued that soon after the erection of 11 kV electric pole, the Assistant Engineer of Electrical Section, Kallai was informed the fact of inconvenience created by the electric pole and the Officer agreed to make suitable rearrangement before drawing Aerial Bunded Cable (ABC) through the pole. But the Officer did not initiate any action to shift the pole from the disputed location. Further, the appellant argued that there are suitable locations to shift the pole than the present location.

The respondent argued that the 11 kV pole so erected was for the protection of drainage system and to cause least inconvenience to the public. The stay provided to the newly erected pole is essential for the safe standing of pole carrying ABC and there was no demarcation of the vacant land. Since the work was tendered on 20-07-2019 and completed within the stipulated time, further shifting of pole can be done under deposit work.

The provision under Regulation 47 of Kerala Electricity Supply Code 2014 has to be adhered in the case of "right of way" for placing line, acquisition of land for substation and clearing objection for placing lines and plant. Regulation 47 of Kerala Electricity Supply Code 2014 reads as follows: -

Regulation 47 : Right of way for placing line, acquisition of land for substation and clearing objections to placing lines and plant.-

- (1) Obtaining right of way for placing line and acquiring land for construction of substation in accordance with the rules issued by the Government of Kerala, shall be the responsibility of the licensee.
- (2) The licensee shall follow the rules issued by the Government of Kerala in accordance with Section 67 and Section 164 of the Act, in the case of obtaining right-of-way, paying compensation to the affected parties, clearing the objection to work involving private property crossing etc.
- (3) If the owner of the property to be crossed by the proposed line, objects to the carrying out of the work, action shall be taken by the licensee to clear the objection as per the rules issued by the Government of Kerala, as provided in Section 67 and Section 164 of the Act or any other law for the time being in force.

On going through the document file, it is seen that a complaint regarding the erection of electric pole in the property of appellant was given to the Assistant Engineer, Electrical Section, Kallai on 19-06-2019, in the complaint it is stated that a pole was erected in the appellant's property but line was not drawn. The appellant filed petition before Consumer Grievance Redressal Forum, Northern Region only on 28-01-2021, which revealed that no action was taken by the Assistant Engineer or other Officers of the Licensee to solve the issue by their own involvement or by way of rules within a period of 1½ years.

I have gone through the location map, submitted by the respondent, showing the location of poles which carrying 'ABC', pole numbers PE10, PE11, PE12 and PE13 are seen installed on the same side of the road and 'PE12' is the pole under dispute. In the photograph produced by the appellant, a Low Tension (LT) pole carrying Low Tension (LT) Conductors is seen standing very near to the 11 kV pole PE12 and also a 'stay' is seen provided to the pole and erected in the property of the appellant.

A consumer or an owner of a property should not be put to undue hardships to cause him inconvenience by drawing of lines or erection of poles. The statement of the respondent that the only provision left was to erect the pole in the vacant land is not acceptable and for which orders of appropriate Authority/Forum is

required. In this case, no such order from the competent Authority is seen. The statement of the respondent that the work was tendered on 20-07-2019 and completed within the stipulated time and payment effected is also not acceptable since the complaint regarding the erection of disputed pole was received by the Assistant Engineer, Electrical Section, Kallai on 19-06-2019 with his dated acknowledgement. This revealed that the work was started even before the tendering of the capital work under IPDS Scheme.

Another argument of the respondent is that, if the disputed pole is to be shifted, the work will have to be executed on deposit work basis only. This reveals that there is other technically feasible location to re-erect the pole, but the expenses for which is to be met by the appellant. As such, it is observed that the major issue is the expense for the shifting of the pole.

It is to be noted that the work already completed under IPDS Scheme is a capital work and which is essential for the strengthening of the electrical network of KSEB Ltd. If any dispute arises in carrying out the development works, there are proper ways to clear it through competent or appropriate Authority. In this case, no such action was initiated by the Officers of the Licensee.

Another thing noticed in this case is that a LT pole and the newly erected 11 kV pole are standing very close, one carries LT Conductors and the other carries 11 kV ABC. I am not entering into the dispute of demarcation of boundary of the property since this Authority has no power to decide the boundary of the landed property. I am of the opinion that the respondent has to look into the possibility of drawing 11 kV ABC and the LT connection through the same poles as HT/LT lines.

In the hearing on 18-10-2021, the respondent was directed to produce the estimate sanction with location map of the 11 kV poles prepared for drawing 11 kV ABC, but the location map is not received. Preparation of a proper estimate after conducting a line route survey will definitely help the Licensee to carryout the work identifying the objections and clearing it then and there itself. In this case, the respondent violated rules in erecting the pole and redressing the grievance of the appellant whenever which was brought to the notice of the Officers of the Licensee. The respondent had not produced any document, proving there was objection in making the rearrangement of the electric pole under dispute.

**Decision: -**

From the analysis done above and the conclusions arrived at, it is directed the respondent to look the possibility of shifting the electric pole PE12, so as to create least inconvenience to the appellant and the respondent shall inform the decision to the appellant within a period of 15 days from the date of this order. If the appellant is not satisfied with the decision of the respondent, he is free to approach the District Magistrate.

Having concluded and decided as above, it is ordered accordingly. The order of CGRF, Northern Region vide OP No.134/2020-'21 dated 26-03-2021 is modified to this extent. No order on costs.

**ELECTRICITY OMBUDSMAN**

P/042/2021/\_\_\_\_\_ dated \_\_\_\_\_.

**Delivered to:**

1. Sri. C. Nadeer, "GRACE", Cotton Mill Road, Areekad, Nallalam. P.O., Kozhikode Dist. 673027
2. Assistant Executive Engineer, Electrical Sub Division, KSEB Ltd., Kallai, Kozhikode

**Copy to:**

1. The Secretary, Kerala State Electricity Regulatory Commission, KPFC Bhavanam, Vellayambalam, Thiruvananthapuram-10.
2. The Secretary, KSE Board Limited, Vydhyuthi Bhavanam, Pattom, Thiruvananthapuram-4.
3. The Chairperson, Consumer Grievance Redressal Forum, Vydhyuthi Bhavanam, KSE Board Ltd, Gandhi Road, Kozhikode